



REMARKS

Reconsideration of this application is respectfully requested.

This application has been reviewed in light of the Office Action dated May 17, 2005. Claims 1-7 are currently pending in the application.

In the Office Action, the Examiner has now rejected Claims 1-7 under 35 U.S.C. § 102(e) as being anticipated by *Soliman* (U.S. 6,321,090 B1). However, it is respectfully submitted that the Examiner is incorrect.

More specifically, Claims 1, 3, and 7 each recite searching FAs of adjacent stations *excluding a base station currently engaged in communication with said mobile communication terminal*. The current base station is excluded to prevent the mobile terminal from performing a hard hand-off back to the same base station. That is, the present invention prevents an unnecessary hard hand-off operation from being performed because the common FAs of all the base stations, including the base station currently engaged in communication, are not searched, i.e., the currently engaged base station is excluded. It is respectfully submitted that this teaching is not presented in any section of *Soliman*. Rather, *Soliman* uses GPS positioning information to assist with a hard hand-off. Therefore, it is respectfully submitted that the Examiner is incorrect in rejecting Claims 1, 3, and 7 under 35 U.S.C. § 102(e) as being anticipated by *Soliman*, and it is respectfully requested that the rejection of Claims 1, 3, and 7 be withdrawn.

Based on the arguments presented above, it is respectfully submitted that Claims 1, 3, and 7 are in condition for allowance. Without conceding the patentability per se of dependent Claims 2 and 4-6, they are likewise believed to be allowable by virtue of their dependence on Claims 1 and 3, respectively. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2 and 4-6 are respectfully requested.

In view of the preceding amendments and remarks, it is respectfully submitted that all pending claims, namely Claims 1-7 are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant(s)

DILWORTH & BARRESE, LLP
333 Earle Ovington Blvd.
Uniondale, NY 11553
Tel: (516) 228-8484
Fax: (516) 228-8516
PJF/DMO/las